

Senate Bill 422

By: Senators Unterman of the 45th, Harp of the 29th, Butler of the 55th, Balfour of the 9th and Shafer of the 48th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors, so as to provide definitions; to provide for the scope of practice; to increase the penalty for improper practice; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors, is amended by striking Code Section 43-9-1, relating to definitions, and inserting in lieu thereof a new Code Section 43-9-1 to read as follows:

"43-9-1.

As used in this chapter, the term:

(1) 'Board' means the Georgia Board of Chiropractic Examiners.

(2) 'Chiropractic' means the adjustment of the ~~articulation~~ articulations of the human body, including ilium, sacrum, and coccyx, and the use of ~~electric~~ X-ray ~~photography~~, provided that ~~the~~ X-ray shall not be used for therapeutical purposes. The term '~~chiropractic~~' shall also mean that separate and distinct branch of the healing arts whose science and art utilize the inherent recuperative powers of the body and the relationship between the musculoskeletal structures and functions of the body, articularly of the spinal column and the nervous system, in the restoration and maintenance of health. Chiropractic is a learned profession which teaches that the relationship between structure and function in the human body is a significant health factor and that such relationships between the spinal column and the nervous system are most significant, since the normal transmission and expression of nerve energy are essential to the restoration and maintenance of health. However, the term '~~chiropractic~~' shall not include the use of drugs

or surgery. The adjustment referred to in this paragraph and subsection (b) of Code Section 43-9-16 may only be administered by a doctor of chiropractic authorized to do so by the provisions of this chapter; provided, however, that the provisions of this Code section shall not prevent any other health care provider from administering techniques authorized within their scope of practice.

(3) 'Health certificate' means a certification of physical examination in sickness, health, or disability including reports for absence from employment or school or from participation in sports activities.

(4) 'Practice of chiropractic' or 'to practice chiropractic' shall also include the procedure by which chiropractors licensed in the State of Georgia evaluate the quality and efficiency of services ordered or performed by other chiropractors, including, but not limited to, practice analysis, audit, claims review, underwriting assistance, utilization review, and compliance with applicable laws, rules, and regulations.

(5) 'Subluxation' means a complex of functional or pathological articular changes that may compromise neutral integrity and may influence organ system function and general health. A subluxation is evaluated, diagnosed, and managed through the use of chiropractic procedures based on the best available rational and empirical evidence."

SECTION 2.

Said chapter is further amended by striking Code Section 43-9-16, relating to scope of practice, and inserting in lieu thereof a new Code Section 43-9-16 to read as follows:

"43-9-16.

(a) Chiropractors who have complied with this chapter shall have the right to practice chiropractic as defined in ~~paragraph (2)~~ paragraphs (2) and (4) of Code Section 43-9-1 and to evaluate, diagnose, and adjust patients according to specific chiropractic methods in order to correct spinal subluxations or to adjust the articulations of the human body.

Chiropractors shall observe all applicable public health regulations.

(b) The chiropractic adjustment of the spine or articulations of the human body may include manual adjustments and adjustments by means of electrical and mechanical devices which produce traction or vibration. Chiropractors who have complied with this chapter may also use ~~in conjunction with adjustments of the spinal structures electrical therapeutic~~ physical modalities. Modalities include any physical agent applied to produce therapeutic change to biologic tissues including thermal, acoustic, light, mechanical, or electric energy; which induce heat or electrical current beneath the skin, including therapeutic hot or cold packs; ultrasound; galvanism; microwave; diathermy; and electromuscular electrical stimulation. Chiropractors who have complied with this chapter may utilize and

1 recommend ~~hot and cold packs and nonprescription, over-the-counter structural supports~~
2 ~~for the~~ therapeutic procedures effecting change through the application of clinical skills or
3 services that attempt to improve function, including therapeutic exercise, therapeutic
4 activities, manual therapy techniques, massage, and structural supports, as they relate to the
5 articulations of the human body ~~which are commonly available through retail pharmacy~~
6 ~~outlets~~; provided, however, that the same shall not be construed to allow chiropractors to
7 treat patients outside the scope of practice of chiropractic as set forth in this chapter.

8 (c) Chiropractors who have complied with this chapter may utilize those ~~electric~~
9 therapeutic physical modalities and procedures described in subsection (b) of this Code
10 section, provided that the chiropractor shall have completed a course of study containing
11 a minimum of 120 hours of instruction in the proper utilization of those procedures in
12 accordance with the guidelines set forth by the Council on Chiropractic Education or its
13 successor and is qualified and so certified in that proper utilization.

14 (d) Chiropractors who have complied with this chapter shall have the right to sign health
15 certificates, reporting to the proper health officers the same as other practitioners.

16 (e) Chiropractors who have complied with this chapter may use X-ray and refer for
17 diagnostic imaging, neurodiagnostic studies, and laboratory tests; provided, however, that
18 such referral shall not be construed to allow such chiropractor to order, conduct, or perform
19 such tests and the referral shall be to an entity with whom the chiropractor has no direct or
20 indirect pecuniary interest.

21 ~~(e)~~(f) Chiropractors shall not prescribe or administer medicine to patients, perform surgery,
22 or practice obstetrics or osteopathy.

23 ~~(f)~~(g) Chiropractors shall not use venipuncture, capillary puncture, acupuncture, or any
24 other technique which is invasive of the human body either by penetrating the skin or
25 through any of the orifices of the body or through the use of colonics; provided, however,
26 that this shall not prohibit the chiropractor from examining the ears or mouth to determine
27 the appropriateness of chiropractic care. Nothing in this subsection shall be construed to
28 prohibit a chiropractor who is licensed to perform acupuncture under Article 3 of Chapter
29 34 of this title from engaging in the practice of acupuncture.

30 ~~(g)~~(h) A person professing to practice chiropractic for compensation must bring to the
31 exercise of that person's profession a reasonable degree of care and skill. Any injury
32 resulting from a want of such care and skill shall be a tort for which a recovery may be had.
33 If a chiropractor performs upon a patient any act authorized to be so performed under this
34 chapter but which act also constitutes a standard procedure of the practice of medicine,
35 including but not limited to the use of modalities such as those described in subsection (b)
36 of this Code section and X-rays, under similar circumstances the chiropractor shall be held

1 to the same standard of care as would licensed doctors of medicine who are qualified to and
2 who actually perform those acts under similar conditions and like circumstances.

3 ~~(h)~~(i) A licensed practitioner of chiropractic may use only the title 'chiropractor,' or 'doctor
4 of chiropractic,' or 'D.C.'

5 ~~(i)~~(j) Chiropractors who have complied with this chapter may recommend the use of
6 ~~vitamins, minerals, or food~~ nutritional and dietary supplements. Any such recommendation
7 of ~~vitamins, minerals, or food~~ nutritional and dietary supplements shall not be construed
8 to allow chiropractors to treat patients outside the scope of the practice of chiropractic as
9 set forth in this chapter nor shall this subsection be construed to allow chiropractors to sell
10 at a profit any such ~~vitamins, minerals, or food~~ nutritional and dietary supplements without
11 providing their generic name. Nothing in this subsection shall preclude compliance with
12 Chapter 8 of Title 48, relating to the collection of sales and use taxes."

13 SECTION 3.

14 Said chapter is further amended by striking Code Section 43-9-19, relating to penalties, and
15 inserting in lieu thereof a new Code Section 43-9-19 to read as follows:

16 "43-9-19.

17 It shall be unlawful for any person to practice chiropractic unless that person shall have
18 first obtained a license as provided in this chapter and possesses all the qualifications
19 prescribed by the terms of this chapter. Any person who practices or attempts to practice
20 chiropractic without a license, or who buys or fraudulently obtains a license to practice
21 chiropractic, or who violates any of the terms of this chapter, or who uses the title 'doctor
22 of chiropractic,' 'chiropractor,' 'chiropractic,' 'D.C.,' or any word or title to induce the belief
23 that such a person is engaged in the practice of chiropractic, without first complying with
24 this chapter, shall be guilty of a felony and, upon conviction thereof, shall be punished by
25 a fine of not less than \$500.00 nor more than ~~\$1,000.00~~ \$5,000.00, or by imprisonment for
26 not less than two nor more than five years, or both, at the discretion of the court. All
27 subsequent offenses shall be separate and distinct offenses, and punishable in like manner."

28 SECTION 4.

29 All laws and parts of laws in conflict with this Act are repealed.